

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELISA MARIE
DEMBINSKY,

Plaintiff,

Case No. 2:18-cv-10532
District Judge Avern Cohn
Magistrate Judge Anthony P. Patti

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER VACATING SHOW CAUSE (DE 6), GRANTING PLAINTIFF'S
MOTION TO EXTEND TIME FOR SERVICE OF DEFENDANT (DE 7)
AND STRIKING PLAINTIFF'S MOTION TO EXTEND (DE 8) AS
IMPROVIDENTLY FILED**

On February 14, 2018, Plaintiff, Elise Marie Dembinsky, (who is represented by counsel), filed this action under 42 U.S.C. § 405(g) for a review of a final decision of the Commissioner of Social Security denying her application for social security disability benefits. (DE 1.) She named as Defendant the Commissioner of Social Security. On February 14, 2018, the Court entered an Order granting Plaintiff's application to proceed without prepaying fees or costs, and summons were issued for the Commissioner of Social Security on February 16, 2018 (DEs 4, 5), but proof of service was never entered onto the docket.

Accordingly, on May 18, 2018, the Court issued an order requiring Plaintiff to show cause as to why the case should not be dismissed for failure to timely serve Defendant pursuant to Federal Rule of Civil Procedure 4(m). (DE 6.) On May 29, 2018, Plaintiff filed a motion to extend time for filing a summons or for the court to issue a second summons. (DE 7.) Plaintiff's counsel explained that her office has been short-handed and has undergone two changes to the assistants employed in the office since the filing of this Complaint, and that during this transition, the returned receipt from the certified mailing of the summons and complaint has been misplaced or lost. (DE 7 at 2.) Plaintiff asks the Court to extend the time for filing a summons to allow for proper service on Defendant.

Pursuant to Federal Rule of Civil Procedure 6(b), the Court may extend the deadline when good cause is shown. A party shows good cause by demonstrating a “‘reasonable justification’ for its failure to complete the requested task within the time prescribed.” *Rainey v. U.S. Bank Nat. Ass’n*, No. 11-12520, 2011 WL 4954154, at *1 (E.D. Mich. Oct. 18, 2011) (quoting *Foster v. Halter*, 279 F.3d 348, 357 (6th Cir. 2001)). Generally, the “normal press of business does not rise to [the good cause] standard.” *Id.* at *2.

For good cause shown, the show cause order is hereby **VACATED**. Further, Plaintiff's request for an extension of time to serve Defendant is

GRANTED. Plaintiff shall have **THIRTY DAYS FROM THE DATE OF THIS ORDER** in which to effect service over Defendant.

Further, the motion to extend filed at DE 8 appears to be related to a different matter (18-15036) and was improvidently filed in this matter.

Accordingly the motion to extend (DE 8) is hereby **STRICKEN**.

IT IS SO ORDERED.

Dated: June 4, 2018

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on June 4, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti